

LIQUOR IS PERMITTED OUTSIDE OF HOMES

U. S. Court Rules Wet Goods May Be Moved.

TEST CASES ANTICIPATED

Justice Clarke Holds Transportation of Lawfully Acquired Liquor Not Illegal.

WASHINGTON, Nov. 8.—(By the Associated Press)—Storage of lawfully acquired liquor in commercial warehouses and transportation of such stocks to the home of the owner is not prohibited by the Volstead act under a decision handed down today by the supreme court.

In passing upon the appeal of William G. Street of New York from decisions of lower courts refusing to enjoin internal revenue officials from seizing liquors he had placed in a room rented from a safe deposit company, the supreme court reversed the lower court and held that the injunctions should be granted.

The effect of this ruling had not been fully appraised tonight by internal revenue officials, but enforcement officials. The belief was expressed, however, that the result might be the release of some 10,000,000 gallons of intoxicating beverages stored in warehouses since January 16, 1920.

Hotels Hold Stocks. Records on file here show that, in addition to immense quantities of liquors purchased and stored by individual consumers, there were in storage when the Volstead act became effective large stocks held by hotels and restaurants as reserves. Whether these stocks came within today's ruling has not been determined. It was anticipated that test cases would be filed soon on this and similar questions arising from the undetermined scope of the new interpretation of the Volstead act.

Justice Clark, who rendered the opinion today, held that the transportation of liquor from warehouse storage to the owner's home would be legal, if the liquor had been lawfully acquired and for a lawful purpose. He said: "That transportation of the liquors is not such as is prohibited by the section is too apparent to justify detailed consideration of the many provisions of the act inconsistent with a construction which would render such removal unlawful, and that the act is understood by the officers charged with its execution as permitting transportation in conformity with the provision of the regulations of the bureau of internal revenue authorizing permits for the transportation of liquor from one permanent residence of an owner to another in the case of his removal, although no such transfer is provided for by the act."

Power to Regulate Seen. The opinion pointed out, however, that internal revenue officers undoubtedly had the administrative power to regulate the transfer of such liquors so as not to interfere with the violation of the law.

"An intention to confiscate private property," the opinion concluded, "even in intoxicating liquors, may be raised by inference and construction from provisions of law which have ample field for their operation in effecting a purpose clearly indicated and declared."

Justice McReynolds, concurring in the judgment of the court, dissented as to the reasoning by which it was reached. "I think the Volstead act was properly interpreted by the court below," he said, "but to enforce it as thus construed would result in the confiscation of lawfully acquired liquors by preventing or unduly interfering with their transportation by the owner. The 18th amendment gave no such power to congress. Manufacture, sale and transportation are the things prohibited—not personal use."

Prohibition enforcement officials began studying the decision immediately. The opinion, however, expressed that many changes would have to be made in the enforcement regulations, but pending detailed study and the circumstances surrounding the litigation, no official statement was forthcoming.

Fraud Damage Felt. One effect of the decision foreseen was the danger of increased opportunity for fraud among persons seeking means of violating the law. A check-out check on transportation provided by the permit system, officials indicated that they expected greater difficulty in controlling unlawful sales.

A decision had not been reported tonight as to whether the court's interpretation opens the way for unrestricted transportation in interstate commerce. That transfer can be made within a state apparently was specific, but the language of the court when it referred to interstate officials thought, means whereby interstate transportation can be stopped. In the particular case involved, it was pointed out that the owner's residence and the place of storage were within the same state, and, in fact, in the same city.

In connection with the transportation of liquors, officials said that it would be difficult to transfer liquor for them to determine the legality of purchases and where the stored stocks had been obtained prior to the effective date of the Volstead act. This was expected to result in more stringent regulations with respect to withdrawals of beverages from bonded warehouses, but the same regulations cannot be made to apply to ordinary storage warehouses. Stored stocks therefore again are without the law to a great degree, officials said, adding that they anticipated its speedy removal from such storage.

ILLINOIS IS NOT AFFECTED Search and Seizure Law Does Not Permit Liquor Moving. CHICAGO, Nov. 8.—The supreme court's ruling that liquor lawfully acquired can be moved from place to place will not affect the legality of the Illinois search-and-seizure law.

This act prohibits the practice of moving liquor, federal officials here said today.

SURPLUS SUPPLIES SOLD (Continued From First Page.) that negotiations were under way. Jack Barde, son of M. Barde, has been in the east for several weeks representing the Barde interests in the dealings with the board. L. B. Barde, another son, now in Seattle, is said to be in possession of all the liquor.

"I have received no official word of the completion of this transaction," Mr. Hunter said last night, "though from several telegrams I have received I presumed that some such arrangement was being made."

HOME RULE CLAUSES PROTESTED BY IRISH

Measure Is Put Through Nearly Final Stages.

SECOND CHAMBERS CARRY

Oath of Allegiance Is Denounced and Discarded After Lord Cecil Ridicules Section as Blunder.

LONDON, Nov. 8.—(By the Associated Press)—The Irish home rule bill passed through nearly the final stage in the house of commons tonight with two new clauses added by the government, which, in the opinion of Irish and liberal politicians rendered the measure practically dead.

These clauses, which provide that both Irish parliaments shall establish second chambers for the protection of minorities, and that in the event that less than half the members of either parliament are validly elected or in case of failure to take the oath of allegiance within 14 days, the king may dissolve the parliament and place the government in the hands of a committee appointed by the lord lieutenant, were carried after being severely criticized by ex-Premier Asquith and others as tending to reduce Ireland to the condition of a backward crown colony, by ample majorities in a small house of commons. The slight interest now shown in the bill.

The latter clause replaces the proposal of the government that candidates for parliament must take the oath of allegiance on nomination. The bill came before the committee of the whole house. The clause providing for the creation of second chambers was adopted by 175 to 51. It leaves to the Irish parliaments the duty of framing the necessary scheme. The government originally had proposed itself to draft the scheme, and was today subject to much hostile criticism for evading the task.

The government's critics declared that the Irish parliament would succeed in drafting a successful scheme. Andrew Bonar Law, the government leader in the house, and Sir Laming Worthington-Evans, minister of pensions, replying to the criticism, explained there were difficulties in the way of the English parliament attempting the task.

Another amendment was adopted placing upon the southern parliament the responsibility for providing funds for Irish universities. Legislative Absurdity, Says Cecil. The government's early proposal that all candidates for election to the Irish parliaments must take the oath of allegiance before being nominated, which has provoked more criticism from Irishmen and the liberals than any other provision, has been quietly dropped, and today Worthington-Evans, on behalf of the government, moved the new clause to replace it and provide for the case of either Irish parliament not being properly constituted.

Lord Hugh Cecil criticized the clause as the greatest legislative absurdity ever suggested. Mr. Asquith said the clause forcibly illustrated the farcical character of the southern parliament. The contingency contemplated, he asserted, was certain to arise in southern Ireland, which then would be reduced to the condition of the most backward of the crown colonies.

This clause was carried by 137 to 11. The measure has run the gauntlet of the house of lords, where, according to rumors current in the coalition newspapers, an attempt will be made to cut the six Ulster counties completely out of the bill, leaving them to be administered, as at present, from Westminster.

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ESTATE FIGHT NEAR END

\$900,000 Grand Larceny May Be Settled Out of Court.

SAN FRANCISCO, Nov. 8.—Negotiations are being conducted for settlement out of court of the \$900,000 grand larceny action instituted by Edward and Katherine Wineman of San Luis Obispo against Clarence D. Hillman, Seattle, and Pasadena capitalist, and others, counsel for the Winemans announced here today. The case came up today for hearing, but was put over until Wednesday to permit the negotiations reaching a conclusion. Hillman K. McKay of Seattle and T. J. Walsh were indicted on charges of conspiracy and grand larceny, following formal complaints by the Winemans that they had obtained possession through illegal means of the bulk of the Wineman estate, valued at nearly \$1,000,000. Walsh has never been located.

New York to Release Liquor.

NEW YORK, Nov. 8.—Decision of the supreme court that liquor lawfully acquired may be stored by a person for his own use in place other than his home will mean that thousands of "imprisoned" liquors soon may be "released" in New York City, according to federal prohibition agents here.

Phone your want ads to The Oregonian, Main 7979, Automatic 660-95.

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We invite you to notice, the next time you are in the First National, how easy it is to speak to any of the officials of the bank with whom you desire conversation.

THE FIRST NATIONAL BANK OF PORTLAND OREGON THE FIRST NATIONAL BANK WEST OF THE ROCKY MOUNTAINS MEMBER AMERICAN BANKERS ASSOCIATION

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